

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NICHOLAS MARTIN on behalf of himself and)	
others similarly situated,)	
)	No. 11-cv-03104
Plaintiff,)	
v.)	Judge Charles P. Kocoras
)	
MIDLAND FUNDING, LLC,)	Magistrate Judge Morton Denlow
)	
Defendant.)	

**MIDLAND FUNDING LLC’S AGREED MOTION FOR
EXTENSION OF TIME TO RESPOND TO PLAINTIFF’S AMENDED COMPLAINT**

Defendant, Midland Funding, LLC (“Midland”), respectfully moves for an extension of time to respond to Plaintiff’s Amended Complaint, and in support, states as follows:

1. Plaintiff’s original Complaint was filed on May 10, 2011. (Dkt. No. 1.) Through agreed extension motions, Midland’s responsive pleading was due on July 20, 2011. (*See* Dkt. No. 16 (July 13, 2011 minute entry granting extension of time to July 20, 2011).)

2. On May 17, 2011, Midland was also served with a substantially similar putative class action, *Scardina v. Midland Credit Management, Inc., Midland Funding LLC, and Encore Capital Group, Inc.*, Case No. 11-cv-03149 (N.D. Ill.) (Lindberg, J.) (“*Scardina*”), alleging identical violations of the Telephone Consumer Protection Act, on behalf of a substantially overlapping putative class.

3. On July 14, 2011, Plaintiff filed his Amended Complaint. (Dkt. No. 17.) Pursuant to Fed. R. Civ. P. 15, Midland’s responsive pleading is due on July 28, 2011.

4. On July 15, 2011, Midland filed its Motion for Reassignment of Related Action, seeking to reassign the *Scardina* case. (Dkt. Nos. 18, 19.) On July 20, 2011, this Court set a

briefing schedule for the Motion for Reassignment with responses due on July 27, 2011, and replies due on August 3, 2011. (*See* Dkt. No. 21.)

5. Midland is diligently investigating the allegations contained in the Amended Complaint but requires additional time, up to and including August 11, 2011, to file its responsive pleading. Plaintiff's counsel has no opposition to this motion.

WHEREFORE, Defendant, Midland Funding, LLC, respectfully requests this Court grant an extension of time, up to and including August 11, 2011, to file its responsive pleading to Plaintiff's Amended Complaint and for any other further relief this Court deems just and appropriate.

Dated: July 28, 2011

Respectfully submitted,

MIDLAND FUNDING LLC

By: s/ Renee L. Zipprich
Renee L. Zipprich (rzipprich@dykema.com)
James M. Golden (jgolden@dykema.com)
DYKEMA GOSSETT PLLC
10 South Wacker Drive, Suite 2300
Chicago, Illinois 60606
Phone: 312-876-1700
Fax: 312-627-2302

Theodore W. Seitz (tseitz@dykema.com)
DYKEMA GOSSETT PLLC
Capitol View
201 Townsend Street, Suite 900
Lansing, Michigan 48933
Phone: (517) 374-9100
Fax: (517) 374-9191

CERTIFICATE OF SERVICE

I hereby certify that on **July 28, 2011**, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

Alexander H. Burke (aburke@burkelawllc.com)

s/ Renee L. Zipprich

CHICAGO\3326942.1
ID\JRMA - 097356/0102